THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO.1451 of 2006

Dated 20-03-2006

Between:

Chada Anantharama Prasad.

….Petitioner

and

The Superintending Engineer,

Dowlaiswaram, and four others.

….Respondents

THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO.1451 of 2006

ORDER:

This writ petition is filed seeking a declaration that the inaction on the part of the first respondent-Superintending Engineer, Irrigation Circle, Dowlaiswaram, in releasing water pursuant to the Memo No.42220 dated 07-01-2006 issued by the second respondent-Government of Andhra Pradesh, is arbitrary and illegal.

The petitioner claims to be one of the ayacutdars of Pampa reservoir. It is stated that on a representation made by the ayacutdars of Pampa reservoir, the third respondent-Engineer-in-chief by proceedings dated 31-12-2005 recommended to the Government for supply of water from Yeleru Reservoir Project for rabi crop for a quantity of 1.30 TMC. On the basis of the same, the Government issued the memo dated 07-01-2006 granting permission to the third respondent-Engineer-in-chief for supply of water from Yeleru Reservoir Project to Pampa reservoir for rabi crop for a quantity of 1.30 TMC for allocation out of the overall storage balance of 4.06 TMC in Yeleru Reservoir Project estimated to be available at the end of rabi reason 2005-2006, as requested by the ayacutdars of Pampa reservoir. The petitioner alleges that in spite of the said orders of the Government, the respondents 1 and 3, failed to release the water resulting in hardship to the ayacutdars of Pampa reservoir. Hence, this writ petition.

In response to the Rule Nisi ordered on 28-01-2006, the first respondent-Superintending Engineer filed a counter-affidavit stating that though it is true that the Government vide Memo dated 07-01-2006 accorded permission for supply of water from Yeleru Reservoir Project to Pampa reservoir for rabi crop for a quantity of 1.30 TMC, subsequently the Principal Secretary to the Government issued instructions on 18-01-2006, by phone, to the first respondent-Superintending Engineer to keep the permission accorded by the Government vide Memo dated 07-01-2006 for supply of water in

abeyance. Accordingly supply of water was kept in abeyance and the same was informed to the Engineer-in-chief as well as to the Principal Secretary to the Government, vide letter dated 19-01-2006. Hence, permission accorded by the Government could not be implemented and the water could not be released from Yeleru Reservoir Project. A copy of the letter dated 19-01-2006 has been placed before this Court.

Having heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents and having perused the material on record, though I am not inclined to issue a writ of Mandamus as prayed, keeping in view that the Memo dated 07-01-2006 was kept in abeyance pending further consideration of the issue, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to pass appropriate orders in accordance with law with regard to the request of the ayacutdars for release of water from Yeleru Reservoir Project to Pampa reservoir. Such exercise shall be completed as expeditiously as possible preferably within a period of ten days from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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(G. ROHINI, J)

Date: 20-03-2006

ghn